



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

March 2, 2006

SUBJECT: **2006-0090 - Robert Cisneros** [Applicant] **Tomas And Beatriz V Cisneros Trustee** [Owner]: Application on a 2,352 square-foot site located at **168 South Murphy Avenue** (near W Washington Ave) in a DSP-2 (Downtown Specific Plan/Subdistrict 2) Zoning District.

Motion Special Development Permit to allow on-site liquor service in conjunction with an existing restaurant (El Faro Restaurant).

REPORT IN BRIEF

Existing Site Conditions Restaurant

Surrounding Land Uses

North Commercial

South Commercial

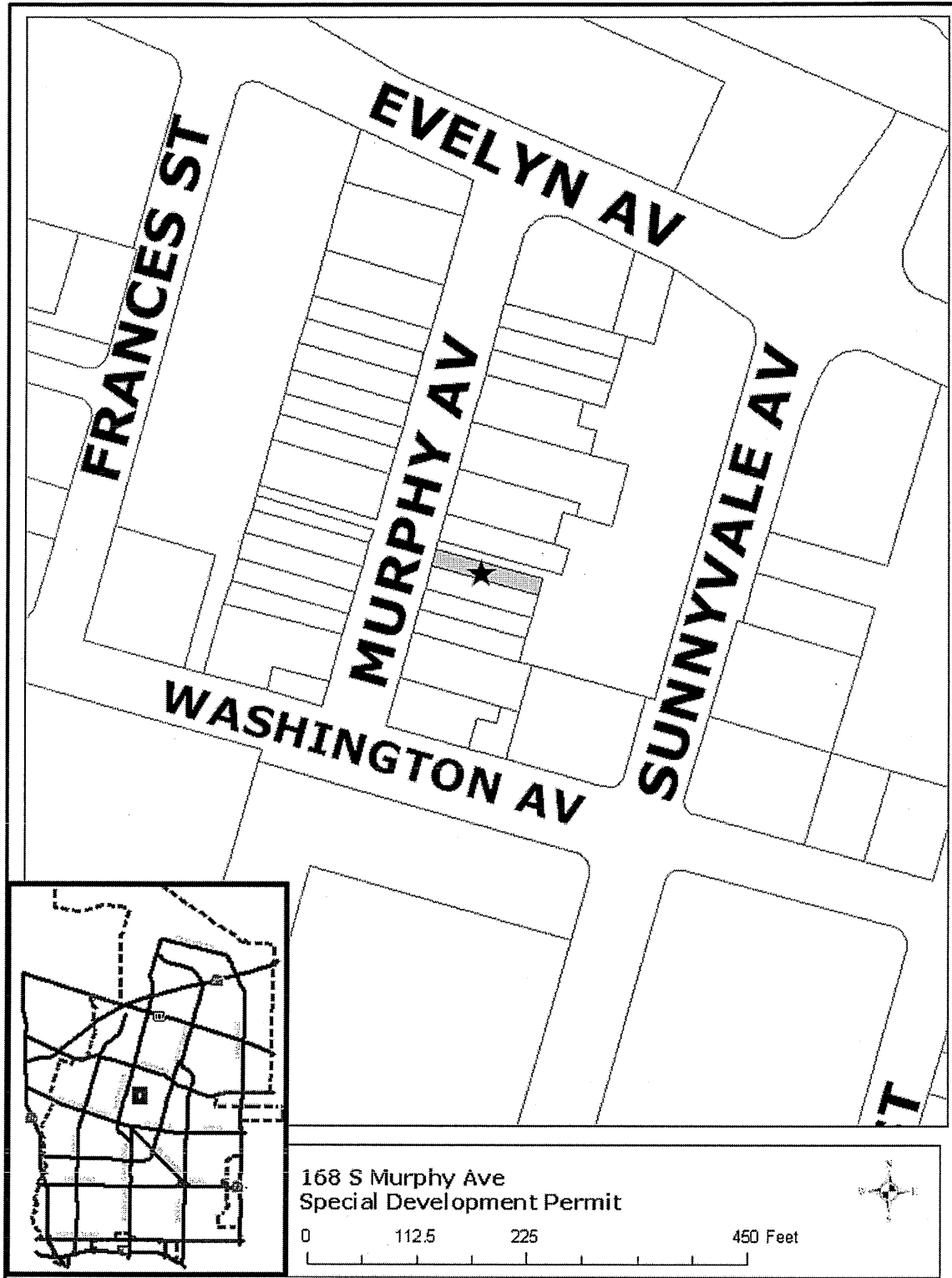
East Parking Lot

West Commercial

Issues Compatibility

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with conditions



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Downtown Specific Plan	Same	Downtown Specific Plan
Zoning District	DSP-2	Same	DSP-2
Lot Size (s.f.)	2,352	Same	No min.
Gross Floor Area (s.f.)	2,352	Same	No max.
Floor Area Ratio (FAR)	100%	Same	No max.
Setbacks (Facing Property)			
Front	0	Same	No min.
Left Side	0	Same	No min.
Right Side	0	Same	No min.
Rear	0	Same	No min.
Parking			
Total Spaces	Downtown Parking District	Same	Downtown Parking District

ANALYSIS**Description of Proposed Project**

The applicant is proposing full liquor service in an existing restaurant. There are no other changes to the site or building. The proposed use will not offer live entertainment.

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
1987-0496	Exterior Remodel to the front and rear of the building	Heritage Commission / Approved	8/19/87

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemption includes changes of use in existing facilities.

Special Development Permit

Use: The proposed liquor service will be added to the existing restaurant use. The business currently operates from 10am to 9pm Monday – Saturday (Sunday Closed). No expansion of these hours is proposed. The project is located within Downtown Specific Plan Block 2 Zoning District which requires a Special Development Permit for establishments that offer the sale of liquor for on-site consumption. The Department of Public Safety has reviewed the proposal and has commented on the requirement of receiving a license from the Department of Alcoholic Beverages Control (ABC) for the sale and consumption of liquor. As noted in the description this proposal does not involve live entertainment. Condition of Approval #1E requires a Special Development Permit if entertainment is requested in the future.

Site Layout: The site is located on Murphy Avenue which is zoned within Downtown Specific Plan, Block 2. It is surrounded by a mix of retail uses, including restaurants, retail and entertainment businesses. The particular building includes seating within the front and rear of the building. A small bar area is situated in front of the kitchen area towards the center of the building. A restroom is also located towards the rear.

Parking/Circulation: The project is located within the Downtown Parking District. The parking required for the proposed use would be provided by the spaces located within the Downtown Parking District.

Compliance with Development Standards/Guidelines: The proposed project complies with all development standards and guidelines.

Downtown Specific Plan: The project meets all Code requirements for the Downtown Specific Plan, Block 2 Zoning District. It is consistent with the following Specific Plan Policies:

Policy:

B.1 Encourage mixed uses throughout the downtown when consistent with the district character.

The project adds a different use to the building, as there are offices, retail, and restaurants within the immediate area and the new use will provide a new business opportunity for the existing business that will help ensure a successful future.

Expected Impact on the Surroundings: Staff believes that the proposed service of full liquor at the site will not have a negative impact to the surrounding uses. There are already nearby restaurants with the sale of alcohol that are open late into the evening. The Zoning Code and Downtown Specific Plan encourage a full spectrum of restaurant uses on this block.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Staff has not received any written comments from the public regarding the proposal.

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 13 notices mailed to property owners and residents adjacent to the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Conclusion

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Use Permit. Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Conditions of Approval are located in Attachment B.


Alternatives

1. Approve the Special Development Permit with the recommended Conditions of Approval found in Attachment B.
2. Approve the Special Development Permit with modified Conditions of Approval.
3. Deny the Use Permit.

Recommendation

Alternative 1.

Prepared by:



Ryan M. Kuchenig
Project Planner

Reviewed by:



Gerri Caruso
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site Plans
- D. Justifications from the Applicant

Recommended Findings - Special Development Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Element

Action Statement N1.1.1 – Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.

Downtown Specific Plan

Policy B.1 - Encourage mixed uses throughout the downtown when consistent with the district character.

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. *(Finding Met)* The proposed change in use will enable the business to provide additional services to its patrons. The project will also provide additional commercial opportunities while not causing any negative impacts to surrounding uses.
2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties. *(Finding Met)* The restaurant uses has been already established and there are no proposed changes to façade or architecture of the building. A number of nearby restaurant establishments in the area offer similar uses including the sale of alcohol. Staff has consulted with the Department of Public Safety and determined that the proposed use does not cause a significant concentration.

Recommended Conditions of Approval - Special Development Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- B. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- C. The Special Development Permit for the use shall expire if the use is discontinued for a period of one year or more.
- D. The Special Development Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- E. Any proposed live entertainment use shall require a public hearing through a Special Development Permit.

2. RECYCLING AND SOLID WASTE

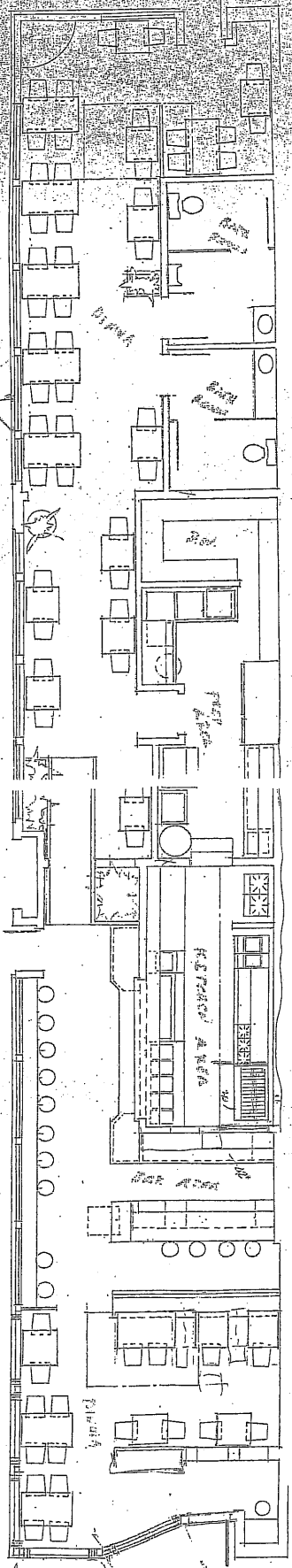
- A. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.
- B. The property shall remain clean and free of debris and garbage.

3. COMPLY WITH OR OBTAIN OTHER PERMITS

- A. Obtain approval from the Crime Prevention Division of Public Safety Department for crime prevention measures appropriate to the proposed development prior to issuance of a Building Permit.

4. MISCELLANEOUS

- A. The hours of operation hours for the business shall be 11:00 AM to 9:00 PM daily.



EL FAYO
 RESTAURANT
 PROJECT

SCALE: 1/8" = 1'-0"

6/6
 30
 36

SPECIAL DEVELOPMENT PERMIT JUSTIFICATIONS

The Municipal Code states that at least one of the following two justifications must be met before granting the Special Development Permit. Illustrating how your project meets each of the below criteria will assist the City in reviewing your proposal. Use this sheet or a separate sheet of paper to show how the proposed use:

- 1) attains the objectives and purposes of the General Plan of the City of Sunnyvale,

- or --
- 2) ensures that the general appearance of the proposed structures, or uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, the adjacent properties.

The property in question has been operated as a Full service Restaurant for the past 45 yrs. It is currently undergoing a complete remodel. It will be brought current in both safety and appearance. With the addition of a proposed liquor license, the operation will enhance not only its past reputation but compliment the surrounding businesses. It will also create additional patronage to the new downtown redevelopment that is underway.

If you need assistance in answering either of these justifications, contact the Planning Division staff at the One-Stop Permit Center.